

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Susan Hornbuckle,

Plaintiff,

v.

Case No.: 21-11590

Kelly Services, Inc.,

Sean F. Cox

United States District Court Judge

Defendant.

ORDER DISMISSING CASE
FOR FAILURE TO PROSECUTE

Plaintiff Susan Hornbuckle, acting through counsel Brian K. Jackson, filed suit against Defendant Kelly Services, Inc., in the United States District Court for the District of Utah, Northern Division, on March 15, 2021. Defendant filed an Answer in that case on April 19, 2021.

In an Order issued on June 29, 2021, however, the United States Court District Judge assigned to that case (the Honorable Robert J. Shelby) granted Defendant's Motion to Transfer Venue and transferred the action to the United States District Court for the Eastern District of Michigan, Southern Division. (*See* ECF No. 2). Thereafter, the case was assigned to the undersigned judge on July 7, 2021 and this case was opened.

After this case was opened, on July 7, 2021, this Court issued a Text-Only Notices stating as follows:

TEXT-ONLY NOTICE: This case has been transferred from the District of Utah. Pending motions must be refiled on this court's docket by the filing party. *Attorneys not admitted to practice in this court must complete the attorney admissions application and be admitted before appearing on this court's docket.* All previously filed documents can be accessed on the originating court's docket

using PACER.

(7/7/21 Docket Entry) (emphasis added).

Thereafter, counsel for Defendant filed an appearance in this case on August 4, 2021. (ECF No. 4).

On September 22, 2021, this Court issued an “Order To Show Cause Why Case Should Not Be Dismissed For Failure To Prosecute.” (ECF No. 5). In it, this Court ordered as follows:

Plaintiff’s Complaint identifies her counsel as Brian K. Jackson (15296) of Brian K. Jackson, LLC, 503 W. 2600 S. Suite 200 Bountiful, Utah 84010. This Court’s records reflect that attorney Brian K. Jackson *is not admitted to this Court*. Thus, if Mr. Jackson intends on representing Plaintiff in this action he must complete the attorney admissions application and become admitted before appearing in this case. Although this case was transferred to this Court *more than two and a half months ago*, Mr. Jackson has not done so.

If Plaintiff does not have Mr. Jackson represent her in this action, Plaintiff may proceed *pro se* in this case. But this Court has no contact information for Plaintiff and Plaintiff has not filed any submissions in this case.

Accordingly, under these circumstances, the Court **ORDERS that attorney Brian K. Jackson shall immediately provide Plaintiff with a copy of this Order.**

IT IS FURTHER ORDERED that, if Mr. Jackson intends to represent Plaintiff in this case, he shall complete an admissions application, become admitted to this Court, and file an appearance in this case no later than **October 12, 2021.**

IT IS FURTHER ORDERED that, if Plaintiff wishes to have a different attorney represent her in this case, that attorney shall enter an appearance in this case no later than **October 12, 2021.**

IT IS FURTHER ORDERED that, if Plaintiff wishes to proceed *pro se* in this case, Plaintiff shall provide her contact information (including her current address, telephone number and e-mail address) to the Court, in a written submission so stating, no later than **October 12, 2021.**

IT IS FURTHER ORDERED that, if no attorney files an appearance in this action on behalf of Plaintiff by October 12, 2021, and Plaintiff has not provided a written submission providing her contact information by that date, this action shall be dismissed without prejudice for failure to prosecute.

IT IS SO ORDERED.

(*Id.* at 2-3) (bolding in original).

The docket reflects that no attorney has filed an appearance in this action on behalf of Plaintiff and Plaintiff has not filed a written submission providing this Court with her contact information. Accordingly, the Court **ORDERS** that this action is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute.

IT IS SO ORDERED.

s/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: October 28, 2021